

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

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	: CONSOLIDATED
In Re: MOLSON COORS BREWING COMPANY	: C.A. No. 1:05-cv-00294-KAJ
SECURITIES LITIGATION	:
	: CLASS ACTION
_____	:
	x

**RESPONSE OF THE PLUMBERS AND PIPEFITTERS NATIONAL PENSION
FUND TO THE NOVEMBER 4, 2005 LETTER TO THE COURT
FROM THE MILBERG WEISS FIRM**

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Dated: November 7, 2005

The Plumbers and Pipefitters National Pension Fund (“Plumbers Fund”) respectfully responds to the November 4, 2005 letter to the Court from the Milberg Weiss firm (“Milberg Weiss Letter”).

Despite the concerns raised about the appropriateness of appointing Metzler Investment GmbH (“Metzler”) as a lead plaintiff in this action, and notwithstanding that Metzler has made a supplemental submission to the Court, it still has not provided the information that Plumbers Fund submits is critical to the Court’s evaluation of the appropriateness of Metzler as lead plaintiff. Plumbers Fund submits that the information it seeks has been found to be determinative in the cases previously cited to the Court. Specifically, Metzler: (a) has not submitted a client agreement; (b) has not made a showing that it invests its own money along with its clients; and (c) has not shown that it has complete and full authority to be the sole decision-maker for the funds that it seeks to represent.

The only information provided in the Letter is a gross mischaracterization of the Orders in unrelated actions appointing Metzler as lead plaintiff and of the statements made by Plumbers Fund’s counsel at the October 28, 2005 hearing. In response to the Court’s inquiry about the Orders issued in the “four or five district courts” (Tr. at 36) which appointed Metzler as lead plaintiff, Plumbers Fund’s counsel stated that he “think[s]” that the Orders were submitted by stipulation of the parties, or that the Orders did not discuss any of the contested issues. *Id.* Indeed, Plumbers Fund’s counsel was correct, as the Orders¹ (Ex. A hereto) simply state that Metzler is appointed as lead plaintiff and do not include any “indication that these issues [which have been debated at length in this action] were discussed.” *Id.*

Accordingly, the Plumbers Fund respectfully requests that the Court grant its motion in full, or, in the alternative, appoint it as a co-Lead Plaintiff and its counsel as co-Lead Counsel.

¹ *Castaldo v. NVIDIA Corp.*, C-02-0853-CW (N.D. Cal.) (Order granted without any analysis); *Orens v. Levi Strauss & Co.*, C-03-5605 RMW (N.D. Cal.) (Order granted based on unopposed stipulation of the parties); *South Ferry LP #2 v. Killinger*, CV04-1599C (W.D. Wa.) (entry of proposed Order granting Metzler’s unopposed motion after the competing motion had been withdrawn); *Conway Investment Club v. Corinthian Colleges, Inc.*, 2:04-cv-05025 (C.D. Cal.) (entry of proposed Order without any analysis).

DATED: November 7, 2005

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CERTIFICATE OF SERVICE

I, Carmella P. Keener, hereby certify that on this 7th day of November, 2005, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF, which will send notification of such filing to the following:

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